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Attorneys for Plaintiff
 ORACLE AMERICA, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF ANDREW C.
 TEMKIN IN SUPPORT OF ORACLE
 AMERICA, INC.'S ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL**

Dept.: Courtroom 8, 19th Floor
 Judge: Honorable William H. Alsup

I, ANDREW C. TEMKIN, declare as follows:

1. I am in-house counsel for Oracle America, Inc. (“Oracle”). My title is Corporate Counsel and I represent Oracle in the above-captioned matter.

2. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently as to the matters set forth herein.

3. I submit this declaration in support of Oracle America, Inc.’s administrative motion to seal, filed today, which seeks to seal excerpts of the deposition transcript of Mr. Leo Cizek, attached as Exhibit C to the Declaration of Meredith Dearborn In Support of Oracle America, Inc.’s Opposition to Google’s Motion to Strike Portions of the Expert Report of Dr. James Kearl; and portions of the brief that reflect that information.

4. The selected pages of the Cizek deposition relate to Sun’s Java licensing policies, pricing, and negotiation strategy. As described in previous declarations, Oracle does not ordinarily make information about its license negotiations and strategy public, as disclosure of that information would give an unfair advantage to Oracle’s negotiating counterparties. (*See* 4/2/2012 Miller Decl. (Dkt. No. 849-1) at ¶ 4–5; 2/24/2012 Temkin Decl. (Dkt. No. 728) at ¶ 11, 14; 7/12/2011 Sarboraria Decl. (Dkt. No. 211) ¶ 6; 10/27/2011 Sarboraria Decl. (Dkt. No. 570) at ¶ 4.)

5. Additionally, the same portions of the Cizek deposition transcript discuss a license between Sun Microsystems, Inc. and Danger, Inc., which is confidential and is covered by a non-disclosure agreement (“NDA”). Under the NDA, Oracle must keep material relating to the terms of the license confidential because it contains non-public information and pricing regarding Java-related software services, as well as non-public information regarding Danger’s company and products. (*See* 4/2/2012 Miller Decl. (Dkt. No. 849-1) at ¶ 4.)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on April 6, 2012 at Redwood Shores, California.

By: /s/ Andrew C. Temkin
Andrew C. Temkin

ATTESTATION OF FILER

I, Steven C. Holtzman, have obtained Andrew C. Temkin's concurrence to file this document on his behalf.

Dated: April 6, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Steven C. Holtzman
Steven C. Holtzman

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ORACLE AMERICA, INC.

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